

HOUSE BILL 900

L2, L5

2lr0678

By: **Prince George's County Delegation and Montgomery County Delegation**

Introduced and read first time: February 10, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Proposed Subdivisions – Escrow Funds for Traffic**
3 **Mitigation**

4 **PG/MC 109–12**

5 FOR the purpose of authorizing the Prince George's County Planning Board, if it
6 makes certain findings, to allow a developer of a proposed subdivision that
7 would increase traffic in a certain roadway or intersection beyond a certain level
8 to pay a certain fee into a certain escrow fund instead of making certain
9 necessary improvements to the roadway or intersection; requiring the Prince
10 George's County Department of Public Works and Transportation to maintain
11 an escrow fund established under this Act; specifying the permissible uses for
12 an escrow fund established under this Act; providing for the calculation of the
13 fee to be paid into an escrow fund by a developer of a subdivision; authorizing
14 the Board to require a subdivision to construct certain improvements under
15 certain circumstances; providing for a certain fee deduction or reimbursement if
16 certain improvements are made; providing that this Act applies only in certain
17 areas; defining certain terms; and generally relating to proposed subdivisions
18 and escrow funds for traffic mitigation in Prince George's County.

19 BY adding to

20 Article 28 – Maryland–National Capital Park and Planning Commission

21 Section 7–115.1

22 Annotated Code of Maryland

23 (2010 Replacement Volume and 2011 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article 28 – Maryland–National Capital Park and Planning Commission**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 7-115.1.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
3 MEANINGS INDICATED.

4 (2) "BOARD" MEANS THE PRINCE GEORGE'S COUNTY PLANNING
5 BOARD.

6 (3) "GUIDELINES" MEANS THE GUIDELINES FOR THE ANALYSIS
7 OF THE TRAFFIC IMPACT OF DEVELOPMENT PROPOSALS OF THE PRINCE
8 GEORGE'S COUNTY PLANNING DEPARTMENT.

9 (B) THIS SECTION APPLIES ONLY IN CORRIDORS AND CENTERS
10 DESIGNATED IN THE MOST CURRENT VERSION OF THE PRINCE GEORGE'S
11 COUNTY GENERAL PLAN.

12 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND SUBJECT
13 TO SUBSECTION (A) OF THIS SECTION, IF A PROPOSED SUBDIVISION WOULD
14 INCREASE TRAFFIC VOLUME IN A ROADWAY OR INTERSECTION TO A LEVEL THAT
15 EXCEEDS THE ACCEPTABLE PEAK HOUR SERVICE LEVEL AS DEFINED IN THE
16 GUIDELINES, THE BOARD MAY, INSTEAD OF REQUIRING THE DEVELOPER OF
17 THE SUBDIVISION TO MAKE THE ROAD IMPROVEMENTS NECESSARY TO
18 ACCOMMODATE THE INCREASED TRAFFIC VOLUME, REQUIRE THE DEVELOPER
19 TO PAY A FEE INTO AN ESCROW FUND ESTABLISHED FOR THE ROADWAY OR
20 INTERSECTION IN ACCORDANCE WITH THIS SECTION.

21 (D) THE BOARD MAY AUTHORIZE A DEVELOPER OF A SUBDIVISION TO
22 PAY A FEE INTO AN ESCROW FUND IN ACCORDANCE WITH THIS SECTION ONLY IF
23 THE BOARD FINDS THAT IT WOULD NOT BE EQUITABLE OR ECONOMICALLY
24 REASONABLE TO IMPOSE ON THE DEVELOPER THE ENTIRE COST OF ROAD
25 IMPROVEMENTS NECESSARY TO ACHIEVE AN ACCEPTABLE PEAK HOUR SERVICE
26 LEVEL UNDER THE GUIDELINES.

27 (E) AN ESCROW FUND ESTABLISHED UNDER THIS SECTION SHALL BE
28 MAINTAINED BY THE PRINCE GEORGE'S COUNTY DEPARTMENT OF PUBLIC
29 WORKS AND TRANSPORTATION AND HELD AS A DEDICATED FUND TO BE USED
30 ONLY TO:

31 (1) PAY FOR DESIGN AND CONSTRUCTION OF IMPROVEMENTS
32 FOR THE PARTICULAR ROADWAY OR INTERSECTION FOR WHICH THE FUND IS
33 ESTABLISHED; AND

1 **(2) OFFSET THE IMPACT OF THE INCREASE IN TRAFFIC CAUSED**
2 **BY A SUBDIVISION DEVELOPED BY A DEVELOPER THAT PAYS INTO THE FUND.**

3 **(F) (1) THE FEE PAYABLE BY A DEVELOPER INTO THE ESCROW FUND**
4 **SHALL BE CALCULATED ON A PER UNIT BASIS FOR RESIDENTIAL DEVELOPMENT**
5 **AND A PER SQUARE FOOT BASIS FOR COMMERCIAL DEVELOPMENT.**

6 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
7 **SUBSECTION, THE FEE SHALL REPRESENT AN EQUITABLE ALLOCATION OF THE**
8 **ESTIMATED COST OF REQUIRED ROAD IMPROVEMENTS AND SHALL BE**
9 **CALCULATED BASED ON 150% OF THE SUBDIVISION'S PRO RATA TRAFFIC**
10 **IMPACT ON THE ROADWAY OR INTERSECTION.**

11 **(3) A PORTION OF THE COST OF THE REQUIRED IMPROVEMENTS**
12 **SHALL BE ATTRIBUTED TO EXISTING FLOW THROUGH TRAFFIC ON A PRO RATA**
13 **BASIS AND SHALL BE SUBTRACTED FROM THE TOTAL COST OF REQUIRED**
14 **IMPROVEMENTS FOR PURPOSES OF DETERMINING THE FEE TO BE PAID BY A**
15 **PROPOSED SUBDIVISION.**

16 **(G) (1) THE BOARD MAY REQUIRE THE DEVELOPER OF A**
17 **SUBDIVISION TO CONSTRUCT INTERIM IMPROVEMENTS IF THE BOARD FINDS**
18 **THAT THE IMPROVEMENTS WOULD MATERIALLY IMPROVE THE EXISTING**
19 **TRAFFIC CONDITIONS IN THE ROADWAY OR INTERSECTION.**

20 **(2) THE COST OF AN INTERIM IMPROVEMENT MADE UNDER THIS**
21 **SUBSECTION SHALL BE DEDUCTED FROM THE FEE OTHERWISE OWED BY THE**
22 **DEVELOPER UNDER THIS SECTION OR SHALL ENTITLE THE DEVELOPER TO A**
23 **REIMBURSEMENT FROM THE ESCROW FUND IF THE FEE HAS BEEN PAID.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2012.